



DONELAN CLEARY
WOOD & MASER, P.C.

March 9, 1999

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MAR 10 1999

Federal Communications Commission
Office of Secretary

Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Application for Review of Canyon Area Residents
for the Environment of an Order of the Office of
Engineering and Technology dated October 9, 1998

Dear Madame Secretary:

Submitted herewith for filing are an original and 10 copies of Additional Comments of Canyon Area Residents for the Environment (CARE) in the referenced proceeding. We ask that a copy be made available to each Commissioner. Other copies are shown below and have been served separately.

Because part of the discussion in the Additional Comments bears on an open rulemaking docket, MM 96-62, Blanketing Interference, I am also enclosing two copies for placement on the record of that proceeding as an *ex parte* communication.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Hobson".

James R. Hobson
Counsel for CARE

cc: Dale Hatfield, Chief, OET; Roy Stewart, Chief, MMB; Barbara Kreisman, Chief, Video Services Division, MMB; Robert Cleveland, OET

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MAR 10 1999

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Petition of Canyon Area Residents)
for the Environment to Deny New or)
Renewed Broadcast Permits and to)
Assess Environmental Impacts)
on Lookout Mountain, Colorado)

ADDITIONAL COMMENTS
OF
CANYON AREA RESIDENTS
FOR THE ENVIRONMENT

Submitted herewith on behalf of Canyon Area Residents for the Environment ("CARE") is new information supplementing CARE's Application for Review dated November 5, 1998 and Reply dated January 13, 1999. These additional comments discuss "blanketing interference" to residences and businesses on or near Lookout Mountain, Colorado and the need for further environmental assessment of plans to install digital television transmission facilities in an antenna farm on the site.

Background. In March 1998, CARE petitioned the Commission to "deny relicensing to any antennas on the Lookout Mountain Tower Farm," deny permission for "any new antennas or devices on any towers on Lookout Mountain" and adopt lower maximum permissible exposure

("MPE") limits for radiofrequency radiation ("RFR") in residential neighborhoods, pursuant to the rules at 47 C.F.R §1.1301 implementing the National Environmental Policy Act ("NEPA"). In supplemental pleadings, CARE called for formal assessment of the environmental impact of the existing and proposed new antennas under Section 1.1307 of the Commission's rules.¹

By letter of October 9, 1998, Dale Hatfield, Chief of the FCC's Office of Engineering and Technology ("OET"), denied the CARE petition insofar as it sought to block license renewals or further radio facility construction, but acknowledged that a "closer look" was warranted for CARE claims that broadcasters on Lookout Mountain were not complying with the MPE limits at Section 1.1310 of the rules. After taking its own measurements at the site, OET found five FM stations to be over-limit for RFR and ordered remedies that included fencing to preclude public entry into certain areas as well as reduction of operating power. Satisfied that its orders had been carried out and the site brought into compliance, the FCC on December 2, 1998 granted digital television ("DTV") construction permits for the six Denver TV stations on Lookout Mountain. Five of these formed Lake Cedar Group

¹ Initially a restricted proceeding, the CARE challenge became "permit but disclose," under Section 1.1206 of the rules. (Opposition of LCG Broadcasters, 12/31/98, 3.)

("LCG") and plan to operate from a new tower ("LCG Tower"), on which other antennas are expected to be consolidated.

On New Year's Eve 1998, some six weeks beyond the time specified in Section 1.115 of the rules, the LCG broadcasters filed an opposition on the merits to the CARE Application for Review. CARE replied timely on January 13, 1999. Among other points in its Reply, CARE submitted data disputing the FCC staff's conclusion that the Lookout Mountain site had come into RFR compliance.

LCG has not responded to CARE's
evidence of blanketing interference.

At Section 8 of its Application for Review, CARE noted massive and long-standing "interference to non-broadcast devices, for whose suppression the FCC is at least partly responsible," citing Sections 73.88 and 73.318 of the rules. Section 73.685(d) also is pertinent to interference by TV transmitters. CARE observed that disruptive interference -- including poor radio, TV and telephone reception -- is so prevalent locally as to be specifically recited in the Jefferson County Telecommunications Land Use Plan. In its Reply at 16, CARE added that some of the more than half a million visitors to Lookout Mountain historic sites such as Buffalo Bill's grave and the associated museum have experienced interference to electronic

car ignitions and video cameras. Further detail is contained in the Attachment hereto of an excerpt from CARE's Notice of Formal Opposition to the rezoning sought by LCG, filed with Jefferson County March 8, 1999.

Three years ago, blanketing interference to consumer and business equipment, especially telephones, had become so severe nationwide that the Commission, on its own motion, opened MM Docket No. 96-62 to consider the consolidation and augmentation of its regulation of the phenomenon. In the Notice of Proposed Rulemaking, the FCC explained:

As new transmitter facilities are built in populated areas and as homes and businesses move closer to transmitting sites, blanketing interference has become an increasing nuisance for consumers of various electronic devices and a vexing challenge to broadcast licensees.

11 FCC Rcd 4750 (1996). This is exactly what has happened on Lookout Mountain.

The attached partial survey (Exhibit A) of Lookout Mountain homeowners adds to the picture of a "nuisance" electromagnetic environment.² Clearly, some of the interference is to radio and TV reception

² The results dated February 20, 1999 are considered partial because the survey continues. Some 30 more residences are now covered, and this data will be added to the record here – and in MM Docket No. 96-62 – as available. The table was created from responses to a questionnaire (Exhibit B) made available at neighborhood meetings. No attempt has been made to edit out the frustration and unhappiness of the respondents. A rough map (Exhibit C) pinpoints the homes for which survey responses have been received.

and VCR operation expressly covered by existing rules on blanketing interference and by the proposed new consolidated regulation, Section 73.1630. Additional disruption is caused to telephonic equipment whose coverage is open for decision in MM Docket 96-62. Given the clustering of towers at Lookout Mountain Park in the upper right corner of the map and single towers shown near Buffalo Bill's grave and the Nature Center – with the frame of the map being about 3.5 miles across and 2 miles deep – it seems fair to infer that many of the surveyed residences are within the respective 1 volt per meter (AM radio) and 562 millivolts per meter (FM) blanketing contours in the rules at Sections 73.88 and 73.318.³

The extent to which survey respondents have complained to individual broadcasters or other radio service providers on Lookout Mountain is not known. By inference from a few of the comments, the grievances more often have been expressed to telephone companies and cable operators whose services appear to be the interferees rather than the interferors. In any event, the complex environment on Lookout Mountain – the multiplicity of antennas providing a variety of radio services – suggests that case-by-case attempts to assign responsibility for and remedy

³ No blanketing contour is fixed for TV stations in the current rules, but proposed Section 73.1630 would make it the same as for FM stations, 115 dBu or 562 millivolts per meter.

complaints from each residence are not likely to be effective in the near term.

The problems on Lookout Mountain go beyond the residences located there. Specific interference to the educational and research mission of the Colorado School of Mines ("CSM"), and feared disruption of "high tech businesses," caused the City Council of Golden, Colorado to adopt Resolution No. 975 on January 28, 1999, asking that the Jefferson County Commissioners "not approve any new broadcast towers on Lookout Mountain until competent studies of all potential interference [are] completed" by an independent entity acceptable to CSM. (Exhibit D)

Massive interference to home and business
equipment is a quality-of-life issue
anticipated by NEPA regulations.

NEPA, at 42 U.S.C. § 4332(B), directs that "unquantified environmental amenities and values" be given appropriate consideration in decisionmaking "along with economic and technical considerations." These are the kinds of amenities and values apparently denied to the Lookout Mountain survey respondents. They are unable to use and enjoy modern devices – some of them related to personal health and safety – which their fellow citizens, in less problematic environments, employ every day without incident.

The blanketing interference rules cannot be the entire answer. Their current scope is limited, and even their proposed reach would not deal with the disruptions to non-RF equipment. For its part, the principal trade association of the LCG stations – the National Association of Broadcasters – has suggested, in comments filed in MM Docket 96-62, that the FCC ought to establish requirements for resistance to RF interference on all electronic equipment. Such standards are contemplated by Section 302(a)(2) of the Communications Act, but they take time to develop, and the technical abundance of ever-newer devices makes the mission virtually impossible to fulfill.

This is where the flexibility of the NEPA rules should come into play. The Commission can cut through the debate about whether the LCG stations should have been aware of errors by their engineering consultant, which allowed the non-compliance of certain Lookout Mountain FM stations to remain unacknowledged until proven by citizen members of CARE. The Commission can cut through the semantic intricacies of whether the electromagnetic environment “affects” the Boettcher Mansion or the Buffalo Bill gravesite. Under Sections 1.1305 and 1.1307(c) and (d), the FCC on its own motion can initiate the further and formal environmental assessments

and impact statements clearly called for by both the spirit and the letter of the NEPA rules.

Under Section 1.1305, the Commission acknowledges that there must be an *ad hoc* element to environmental assessment decisions, that not every possible major action can be anticipated in advance, with processes set in motion automatically. The information supplied by the Lookout Mountain citizens in their partial survey and the resolution of the Golden City Council make out exactly the kind of unanticipated circumstances that allow the FCC to move forward with a draft Environmental Impact Statement (“EIS”) on its own.

Under Sections 1.1307(c) and (d), again the emphasis is on the Commission’s power of initiative. If the FCC wants a hook on which to hang a request for environmental assessment, it need only read the discussion of a late-developing LCG proposal for high-intensity lighting on a building which qualifies as a supporting structure for the LCG tower under Section 1.1307(a)(8). (CARE Reply, 17)⁴

⁴ In both its Application for Review and Reply, CARE has noted other possibly significant effects on the environment within the meaning of Section 1.1307(a): facilities within wildlife preserves; facilities in flyways of threatened raptors; and facilities affecting historic sites. It is not our purpose here to repeat those discussions.

The habitat of a threatened mouse
could be disturbed by the proposed LCG tower.

Furthermore, CARE recently has become aware of a final rule of the Department of Interior's Fish and Wildlife Service, establishing the Preble's meadow jumping mouse as a threatened species. 63 Fed.Reg. 26517, May 13, 1998; 50 CFR §17.11 (October 1998). Lookout Mountain's jurisdiction, Jefferson County, is one of seven Colorado counties where the protected rodent's existence recently has been verified. (Exhibit E) References to "upland habitats" for the creature's hibernation, 63 Fed.Reg. at 26519, and frequent mention of the Front Range region are not conclusive as to whether Lookout Mountain tower construction would disturb the meadow jumping mouse's environment, but Section 1.1307(a) does not call for proof. It describes facilities in areas that "*may have* a significant environmental effect, for which Environmental Assessments must be prepared." (emphasis added)

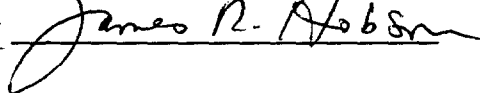
Conclusion. But the entirety of what's needed is not going to be found in the letter of the significant-effects rules at Section 1.1307(a). It will be found in a creative, proactive FCC response to an unusual, if not unique, set of circumstances on Lookout Mountain. Those factors already include blanketing interference problems with existing antennas. They involve FM stations whose efforts to comply with Section 1.1310 remain in dispute,

despite the FCC staff's affirmative findings. Looming over the future environment is the pending LCG tower, with its DTV antennas, which would raise the combined power levels of all transmitters from 10 million watts to 20 million watts. The tower's construction might disturb the habitat of a threatened mammal, the Preble's meadow jumping mouse.

An environmental assessment or draft EIS does not rule on the merits. It simply acknowledges what ought to be plain enough by now: Lookout Mountain is a complex case that needs further study under NEPA. Its extenuating circumstances would qualify, in the mind of any reasonable observer, as a basis for extending the November 1999 DTV operating deadline faced by network-affiliated Denver TV stations.

Respectfully submitted,

CANYON AREA RESIDENTS
FOR THE ENVIRONMENT

By 

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March 9, 1999

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C.A.R.E. is a coalition of homeowners' associations & neighborhoods in the Mount Vernon Canyon.

Since 1987 it has served as an umbrella organization representing the central mountain communities of Jefferson County - from Clear Creek to Bear Creek, the Hogback to Rainbow Hills.

3/8/99

Notice of C.A.R.E.'s Formal Opposition to the Lake Cedar Group LLC Proposal to Rezone and to Add a Tower with Electromagnetic Radiation Emitting Devices

Case # 98015154RZPI

* * *

IX. ELECTROMAGNETIC INTERFERENCE FROM ANTENNA FARMS

The Jefferson County Telecommunications Plan, written 13 years ago, already noted that at one half mile distance from the Antenna Farms, various forms of RF interference were being experienced. (TLUP) Some of these problems included: VCR operation results in fuzzy pictures, garage door openers are erratic, cordless phones shut off or have extreme levels of static, regular phones pick up FM stations, radio reception is poor, many receive

KYGO across the dial, KOSI is picked up on the low-band emergency radios, radio stations such as KYGO, KPKE and KOSI are received on stereo turntables, tape recorders won't work, TV stations often received on different dial settings, computers-fuzzy images received on terminals. (TLUP p.22) These problems have gotten worse. Three years ago, Mr. Tell also conducted a survey ordered and paid for by Andrews and Anderson, the architects for the Jefferson County Lookout Mountain Nature Center. The amount of electromagnetic radiation at the Nature Center site caused by the Lookout Mountain Antenna Farms forced Jefferson County taxpayers to have to pay extra funds to shield Jefferson County electrical equipment from interference. (tab 3) Mr. Tell finds that the RF fields at the Nature Center are strong enough to interfere with electronic systems such as public address, intercoms and various types of audio equipment. Although shielding materials can be installed in new or existing construction to help reduce RF field strength's impact on sensitive equipment, Mr. Tell warns at page 19 of his report (tab 3), "there are no reliable means for predicting whether specific electronic systems will be interfered with at certain field strengths; the only reliable approach is by trial and error." Various mitigation measures are discussed at pages 16-18 that show the expense to the landowner afflicted with electromagnetic interference. Mr. Tell even describes how the levels of radiation will interfere with plant growth in that area!

Many residents of this mountain community at distances more than one and one half miles from the antenna farms now experience problems with electromagnetic interference, ranging from hearing multiple phantom radio stations on dictation transcription equipment to experiencing car doors locking and unlocking without pushing buttons at certain locations in their

driveways. Many of us cannot turn on the speakers on our computers or play our stereos because of the interference caused by the existing Antenna Farms.

The Telecommunications Land Use Policies contains residential interference policies. (P. 23-25) These policies should be followed by the planning commission in determining the Lake Cedar Group proposal. Key provisions include:

4. a. Encourage the establishment of cooperative multiple use sites. One incentive which could be used to accomplish this is the use of **public lands** for cooperative tower sites or using public funds to buy land for tower sites or the buffer surrounding tower sites.

b. The factors which should be considered in minimizing the interference from new towers include :

Height of tower-towers should be elevated **above populated areas**

Topography-i.e.locating tower on mountain top **above residential areas.**

e. **Rezoning of land near established broadcasting sites for more intensive residential uses should be discouraged.**

f. **Rezoning of residentially zoned land for towers should be discouraged.**

Despite the fact that the TLUP states that failure to resolve interference complaints will be considered a zoning violation and that there is supposed to be a standing technical committee appointed by the County Commissioners, the interference problems at Lookout Mountain continue unabated. These interference problems were mentioned again at the May Community meeting in the presence of many county officials. To the best of C.A.R.E.'s knowledge, none of the County Commissioners over the last 13 years have appointed a standing technical committee and the planning and

zoning department has made no effort to enforce these provisions of the TLUP. The interference problems caused by the Lookout Mountain Antenna Farms are extensive, unaddressed by Jefferson County, and will only get worse with the Lake Cedar Group proposal.

February 20, 1999

To Whom it May Concern:

We, the residents of Lookout Mountain are having to conduct our own environmental study. The following pages are the beginning of that study. We have collected interference information from many residents. Their street locations and complaints are recorded in this chart. These locations are listed in roughly descending order as they spread out away from the towers. They are also (roughly) plotted on the accompanying map. We have also conducted RF radiation measurements at some of these locations. This is a very time consuming process. It will take many more hours of volunteer work to exactly locate these complaints on the map as well as provide exact RF measurements at each location. Many, many more interference forms are still being filled out and turned in.

It is interesting to note that some residents experience significant interference problems even though they are not in line of sight of the towers. Are our bodies any less sensitive to the RF radiation than all of our electronic equipment?

We will continue to do our study, including detailed measurements where certain cancers have occurred. What we know at this point is that both significant interference and brain cancers have occurred where RF radiation is below 1 microwatt per centimeter squared.

Residents in the areas of Riva Chase, Genesee, Ralston and Mount Vernon can look forward to the types of interferences recorded here if the Commissioners approve the proposed tower. Most of those areas will then experience radiation levels above 5 microwatts per centimeter squared.

STREET	INTERFERENCE PROBLEM	COMMENTS	CURRENT MEASURED POWER DENSITY (uW/cm ²)
Cedar Lake Rd. (under towers)	garage door openers don't work, bulbs burn out in under a month, TV & radio & phone signals very bad, electrical musical instruments hum	If you err, err on the side of safe guarding our children. Move all the towers!	as high as 12.6
Cedar Lake Rd.	garage door opener opens by itself, TV speakers buzzes, answer machine has static & buzzing, all radios buzz, cable TV has ch. 31 ghosts on all stations	Bought RF filters from Radio Shack. Replaced garage door transmitter 5 times before problem fixed.	as high as 12.6
Aspen Rd. (close to towers)	Hum in phone lines, turn on TV's and can hear radio stations	Call U.S. West (could not fix), went to satellite dish, no help. I don't know if you give a damn so if you don't listen to us, listen for our kids. Do the right thing.	
Aspen Rd.	Buzzing, dog collar shocks the dog, shadows on TV, can't record music in studio	Bought chokes (filters) and different things. I consider this trespass on my life and property!	as high as 4
Aspen Rd.	Broadcasts and buzzing over phones & tape players, cannot watch Ch. 24 & 6, excessive ghosting, electronics have <u>short life</u> , remote toys don't work, light bulbs burn out too quickly	Have tried cable, more expensive, better equipment, <u>going without</u> . Would like the resident of Lookout Mtn. to be able to lead a normal life!	as high as 10
Aspen Rd.	KOSI plays on phones, buzzing on phones, radios & tape & CD players, shadows on TV	Tried cable for TV, better phones, moved channels, different places for tape players & radio, etc.	as high as 10
Panorama Dr. (close to towers)	Extreme AM interference, bad phone interference, garage door remotes won't work, etc., etc.	Tried filters, shielding, buying much more expensive equipment. Please do not ignore existing & potentially dangerous problems. I can't believe a new tower would even be considered!	

Panorama Dr.	Extreme phone noise (music), Must sit in certain position for furniture to get reception on TV!	Have tried moving my body from chair to couch. Bought better equipment, the most expensive equipment! <u>If we can't prove these towers cause illness, can you prove they don't???</u> You are possibly endangering health & life. Have you no conscience? We already have additional cancer rates. My concern is the interference death can bring!	
Panorama Dr.	Expensive recording sessions that are not possible to do at home because of interference	You are trespassing on my property.	
Columbine Ave. (Panorama Hts., near towers)	Can hear clearly KBPI radio on phone, answering machine, cannot use because of interference, remote for car does not work, interference on TV & VCR, also stereo speakers		
Columbine Ave.	KOSI interferes with all other radio stations	Have tried moving radio to different locations. <u>No more watts on Lookout Mountain!</u>	
Columbine Ave.	Radio and TV transmissions	<u>I don't want new tower!</u>	
Lookout Mtn. Rd. (vicinity of towers)	Radio programs on all cordless phones & computer speakers. TV signal good to complete blank out repeatedly. <u>Replaced 4 computer hard drives in 5 months!</u>	Have tried disconnecting. <u>You have no regards for residents in the area.</u> My thoughts about new tower: <u>sorry!</u>	2.36
Lookout Mtn. Rd. (vicinity of towers)	<u>Hearing the radio on the telephone and hearing aid.</u>	My husband died of cancer, Nov. of 1986. We lived next to the KYGO radio station. <u>I don't want the tower!</u>	
Main Ave. (near towers)	Radio station over phones, static over radios, TV ghosts.	Have monster cables, suppressors in electrical equipment. If any doubt there might be a problem, which there is, <u>don't add towers!</u> There would probably be more interference from new tower.	

Golden Point Dr. (under ch. 6 tower)	Poor radio reception, different TV channels on different floors, telephone interference, computer audio pulses, garage door opener won't work or garage door just goes up.	Have tried ignoring, changing combination on garage door. Thoughts on additional interference from new tower: Too much now!	10
Golden Point Dr.	VCR, telephone, TV, radio		10
Colorow Road (1 mi. from towers)	Cable TV has significant interference on channels 2,4,7,9 & requires us to switch to regular antenna when viewing these stations. Cordless pones only work well with 900 MHz digital spread spectrum.	Tried switching antennas, bought new expensive cordless phones. If an alternate site is available with lower population density... that alternate site should be selected. Thoughts on interference & new tower: can only get much worse!	9
Pinecrest Rd. (Rilliet Park)	Poor reception on TV, Ch 6,4,& 7	Have tried calling provider. Can't see towers.	
Woodland Lane (Lookout Mtn Crest)	Interference-ghosting-terrible reception	Tried calling cable TV- still have bad interference. Can't see towers.	
Zephyr Ave. (Lookout Mtn. Crest)	Shadows on TV reception from rabbit ears antenna	Tried various antennas & cable. Can't see towers. <u>Why not put new tower on Squaw Mountain?</u>	
Zephyr Ave.	Static on cable, crackling on phone lines	Tried different phone lines, turned off TV. Can't see towers. My family hikes, bikes, horseback rides, etc. by the towers and in range of their waves. This cannot be a healthy environment, as it <u>SHOULD</u> be. Thought on new tower: Very concerned about health and property values!	
Grandview Ave.(Panorama Hts.)	Phone line & TV interference	Tried consulting with US West. <u>Commissioners: Listen to us!</u>	

Gramdview	Garage door openers do not work, RF interference in radio reception.	Have tried antenna configuration changes, manual garage door. <u>This is a zoning change that the surrounding community does not want. Does the commission approve strip clubs or liquor stores that require zoning changes that the community doesn't want?</u>	
Grandview	Can't get local stations' can't get radio	Tried antennas, called cable people. NO help, can't help. <u>Do the right thing for us. We don't want a fight-but neither does Jeffco. Get rid of existing towers!</u>	
Bellevue Rd. (Panorama Hts.)	Terrible reception, ghost images, radio sound on computer speakers, baby monitors, etc.	Cable company has been out many many times & cannot correct the problem. <u>We have 2 young children at Ralston Elementary. We are very concerned about increased EMR at this school!!!</u>	
Alpine Ave. (.7 mi. south of towers)	TV/FM stations on telephones	Don't allow new towers-problem already severe enough! With new tower: Likely to be worse.	
Mountsfield (Panorama Hts.)	Cordless phones-much static. TV even with cable-poor reception, "ghosts."	Tried cable TV.	.08-.63 (next to communications relay tower)

<p>Crestmoor Rd. (Panorama Estates)</p>	<p>Constant static in KUOD radio reception, computer board crashing frequently in last 6 mo. for <u>no</u> perceptible reason (a \$500 repair) such as lightning. Tried small antenna on house-gave up-no help in any way. Can only see Mt. Morrison towers, not Lookout Mtn.</p>	<p><u>We do not want to be part of a test for which answers won't be known in another 5-10-15 years. We do not want an environmental disaster in form of a huge building w/ numerous antennas on the front ramparts of themtns for the entire Denver area to see, let alone constant light, guy wires & danger to aircraft from a tall tower. Omni directional usage is deleterial, contrary to Jeffco Telecom Plan. Co. School of Mines had interference in Geophysics Dept. at least 20 yrs. ago with electronic equipment.</u></p>	
<p>Crestmoor Rd. (Panorama Estates)</p>	<p>Loud buzz when playing tape on VCR in living room. We usually use VCR in basement. Loud buzz on fax line about half the time. No solution found. Have to switch back & forth between cable & non cable TV-local TV stations don't work on cable.</p>	<p>Can see both Lookout & Morrison Towers. Commissioners: <u>Letter written dated 2/1/99 with several questions & requesting a response. Adamantly opposed to higher levels of radiation-ours would increase 28 times according to CARE's calculations. (county consultant confirmed CARE's calculations)</u></p>	<p>.81</p>
<p>Lookout Mtn. Rd. (about 1 1/2 mi from towers)</p>	<p>Telephone interference</p>	<p>Tried to disconnect power for 2-3 minutes to reset telephone. <u>Tower should be delayed so further study can be done.</u></p>	

Lookout Mtn. Circle (Paradise Hills, 1 1/2 mi from towers)	Buzz on stereo, interference on cable, wireless doorbell rang spontaneously, ups digital scale won't work upstairs, shorwave radio picks up too much interference, telephone interference, karaoke machine interference, child's electronics kit useless, child's digital thermometer kit useless, phone headset interference	Can't have stereo in living room, installed switch on cable, removed doorbell, put scale in basement, can't use shortwave radio, karaoke machine, child's electronics kit, thermometer kit, bought 9800 MHz cordless phones, put up with ch 9 radar beep on phone headset. <u>Wrote letters on 12/26/98 & 1/8/99. Nobody answers. I am very angry. With new tower, interference would further decrease our quality of life. How many people pay \$5,365 in property taxes & can't have stereo in living room?</u>	5.7
Charros Dr.(Paradise Hills)	TV interference w/ antenna, continued to some degree w/ cable. Garage door opens, severe radio interference.	Tried switching to cable, installed new garage system. Can't see existing towers.	
Paradise Circle (Paradise Hills)	We use cable, antenna or nothing depending upon which station we want to watch.	I have young children & I am very concerned about their potential risks. <u>Move the tower to a place with no inhabitants.</u>	
Cabrini Blvd. (Paradise Hills)	Computer, radio, some stations have static &/or another station interfering. Some TV stations have poor &/or irregular reception.	Have tried adjusting radio & TV antennas.	
Park Circle (Paradise Hills)	Poor TV reception w/ cable, cable installer said, "It's because of those towers!"	Can't see towers. Thoughts on new tower: NO!!!	
Pine Rd. (Cody Park)	Phone conversations constantly cut off. Power surges. Have to reset clocks. Lights always flicker.	Can't see towers.	.5

Pine Rd. (Cody Park)	Interference on all TV stations, local stations worst. Interference with phone service, cuts out & static. Complained to cable company. Can't get satellite service, trees, etc. US West no help.	Death risks to humans & wild life. What about plant life? Why was health study only concentrating on brain cancer? Radiation increases risk of many cancers. With new tower, things can only get worse. How can ch. 6, PBS be willing to promote an antenna that constitutes a risk to the public? Also, who wants a building the size of King Soopers on the mountain? I always thought Colorado was interested in preserving the environment. Do we have to ruin everything?	.5
Pine Rd. (Cody Park)	Telephone interference and radio interference. Tried telephone company and channel changes on my cordless phone.	Commissioners: Would you be willing to move your family into the area of the towers if you permit more to be built? If we have trouble now, how can things possibly get better with a bigger tower? (See CARE predictions)	.5
Lookout Mtn. Rd. (near entrance to Mt. Vernon)	Garage doors opened in middle of night. TV cable reception bad. Tried locking garage door, got satellite TV.	Can't see towers. Commissioners: <u>Think as though you lived up here.</u>	
Pondview P. (Genesee Village)	TV interference		
Columbine Glen Av. (west of Rockland Church)	Can't use upstairs phone due to radio interference, TV reception heavily shadowed. Tried many different TV antennas, no improvement.	Can't see towers. Commissioners: <u>Approve this and I will strongly support your opponent in the next election</u>	
Hagler Dr. (Lininger Mtn.)	phone interference- background noise, i.e. radio station music, also "fast busy" tones when trying to dial out of home. Called US West to report, no results or change.	Can't see existing towers. Commissioners: I would only agree to these new towers if you could <u>absolutely without</u> doubt guarantee there would <u>never</u> be any negative health impacts to our family while living on Lininger Mtn. Thoughts on interference with new tower; Will only get significantly worse.	

INTERFERENCE PROBLEMS?

If you are experiencing problems or interference with electrical devices, including telephone systems, cable or satellite television, tape players/recorders, computers, printers, dictation/transcription equipment, car locks or ignition, garage door openers, wheel chairs or medical equipment, child monitors, intercoms, or any other electrical devices, please complete the following and return to C.A.R.E. for submission to the County. (Attach pages if needed)

Name: _____ **Phone:** _____

Address: _____

e-Mail address: _____ **Fax:** _____

General Location (subdiv., elevation, etc.) _____

Date First Noted: _____ **Date moved in:** _____

Description of Problem(s): _____

Solutions that you have tried: _____

Can you see any of the existing towers? _____ **Which mountain?** _____

Do you plan to testify at the hearing 2/2/99? _____ **Additional Comments to**

Commissioners: _____

Thoughts on additional interference from new tower? _____

Address to send to:
Tower Committee, Attn: Ron Larson, C.A.R.E., 25958 Genesee Trail Road, Unit
K 203, Golden, CO 80401-5742

Or Fax to Deb Carney 303 526-9843

Exhibit C

Notes: Dots show surveyed homes as of 2/20/99

T = towers

Scale: 2.5 inches = 1 kilometer, 4 inches = 1 mile

LOOKOUT MOUNTAIN

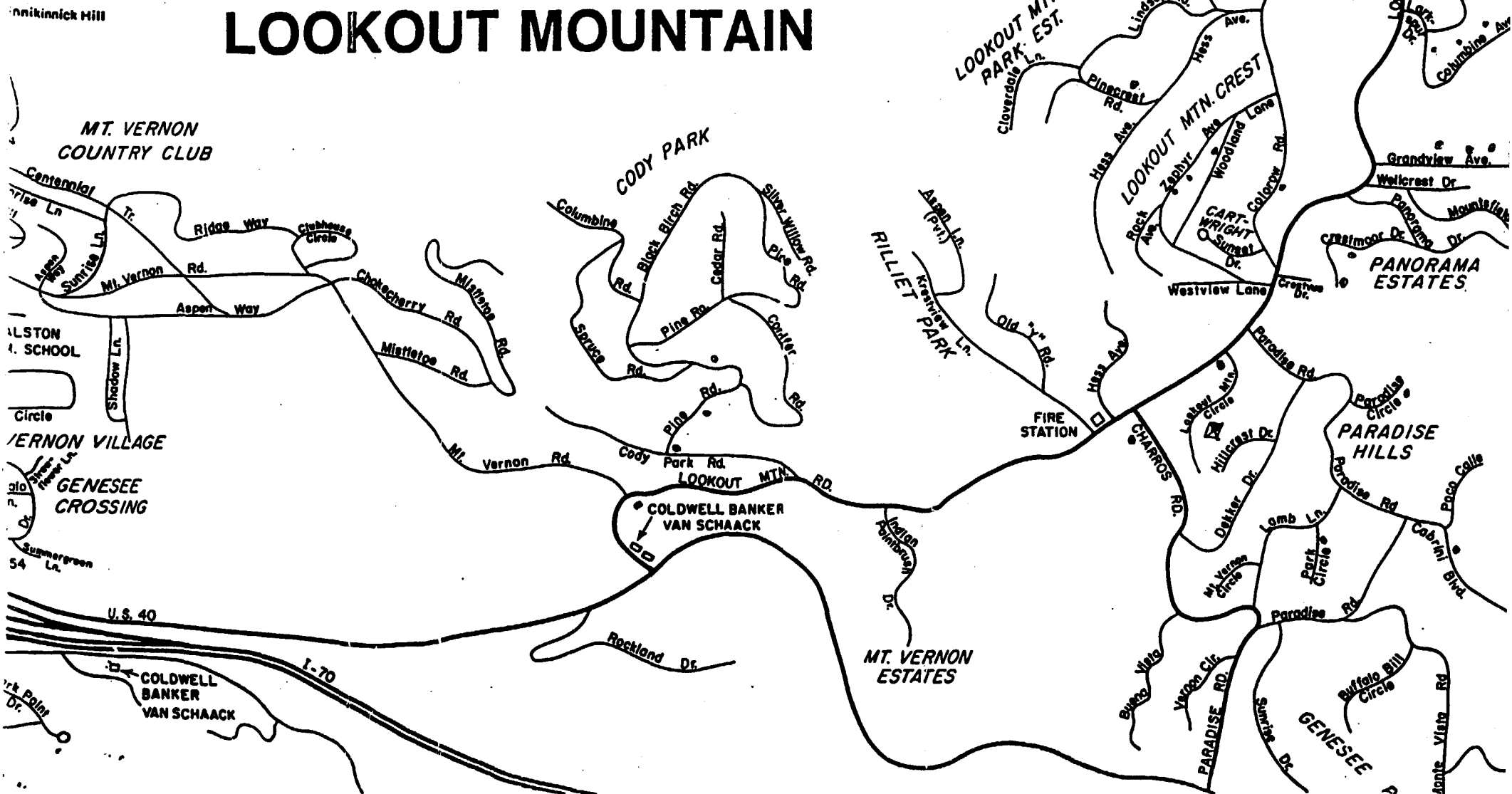


Exhibit D

RESOLUTION NO. 975

**A RESOLUTION OF THE CITY OF GOLDEN CITY COUNCIL
REQUESTING ADDITIONAL IMPARTIAL AND EXPERT
EVALUATION OF THE PROPOSED HDTV TOWER ON
LOOKOUT MOUNTAIN**

WHEREAS, the City of Golden is home to the Colorado School of Mines, which is the oldest institution of higher education in the State of Colorado; and

WHEREAS, the Colorado School of Mines is world renowned for the quality of its teaching and research; and

WHEREAS, the members of the Colorado School of Mines faculty have expressed to City Council (see attached memorandum) their grave concerns over the potential negative technical impact of the proposed broadcast facilities on their research which brings over twenty million dollars into the local economy; and

WHEREAS, the Golden area is the location of more than a dozen high tech businesses that may also experience serious problems with the proposed tower; and

WHEREAS, many of those businesses may be forced to move out of the Golden area if the tower is constructed; and

WHEREAS, Colorado School of Mines faculty and Golden business owners have expressed to City Council that the tower proponents and the County have not adequately evaluated and addressed their concerns.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The Golden City Council respectfully requests that the Jefferson County Board of County Commissioners not approve any new broadcast towers on Lookout Mountain until competent studies of all potential interference is completed.

Section 2. Those studies should be conducted by an independent entity and in a manner acceptable to the faculty at the Colorado School of Mines.

Section 3. City Council further requests that the Commissioners give due consideration to the visual impacts the tower and associated buildings will have on the Golden community.

Adopted the 28th day of January, 1999.


Jan C. Schenk
Mayor



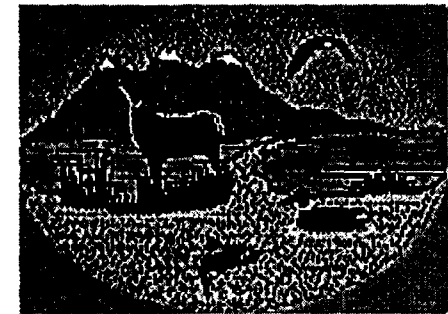
U.S. Fish and Wildlife Service

Region 6

The Mountain-Prairie Region

NEWS RELEASE

**U.S. Fish and Wildlife Service
134 Union Boulevard
Lakewood, Colorado 80228**



May 12, 1998

Pete Plage (CO) 303-275-2370
Mary Jennings (WY) 307-772-2374, x 32
Sharon Rose (CO) 303-236-7917, x 415

PREBLE'S MOUSE WILL BE LISTED AS THREATENED SPECIES, BUT LANDOWNERS WILL RETAIN ACTIVITY FLEXIBILITY

The Preble's meadow jumping mouse will be included as a threatened species under the Federal Endangered Species Act, the U.S. Fish and Wildlife Service announced today. The final rule is expected to appear in the Federal Register on May 14, 1998. The Service proposed a year ago that the mouse be listed as an endangered species, but biologists said surveys since then indicate that the population is at less risk than previously believed.

Service biologists are also working with Colorado and Wyoming to develop interim regulations, provided for under Section 4(d) of the Endangered Species Act, that will allow certain activities to continue within the mouse's range. The interim controls would be in place until a more comprehensive Habitat Conservation Plan, also under development, is completed. A proposed interim rule will be published in the Federal Register and will be available for public comment for 30 days.

"Three years ago, I was happy to join Governor Romer in signing an agreement that laid the foundation for a cooperative approach to conservation and management of species at risk in Colorado," said Interior Secretary Bruce Babbitt. "We're taking another step on that road today and not just because this mouse alone will benefit. We do it because people and the wide variety of creatures share the same needs for a healthy quality of life."

When that same quality of life begins to decline, we all pay a price. By acting today, we are ahead of the game."

While habitat loss and degradation caused by agricultural, residential, commercial and industrial development are believed to be major factors affecting the mouse, the Interior Secretary is nonetheless granted broad regulatory discretion under the Endangered Species Act to fashion additional flexibility in managing a species' recovery while accommodating local conditions. In general, the regulations will allow continuation of existing land uses along streams within designated protection areas as long as some restrictions are observed. Existing grazing practices on private land would also be allowed.

"Colorado has been experiencing tremendous growth all along the Front Range--prime habitat for this mouse species," said Governor Romer. "We have been working, through our

Smart Growth Initiative, to provide the tools we need to preserve critical habitat and open space while maintaining our strong economy. This mouse needs to be protected and we can find ways to protect its range if we work together and develop rational strategies. The initiatives that the Interior Secretary is announcing today will help us achieve these goals."

Congress created Habitat Conservation Plans, designed to protect a species while allowing economic development, in 1982, when it became apparent that the Endangered Species Act lacked such a mechanism. An HCP allows the Service to permit "taking" of an endangered or threatened species incidental to otherwise lawful activities, when the taking is mitigated by conservation measures. The plans are written by those most directly affected by the property in question and not by the Service. There are 225 approved HCPs in effect today throughout the United States, with another 200 on the drawing board.

Members of the Preble's meadow jumping mouse working group, which includes members representing the State, local landowners and private organizations, are working with the Service to develop conservation efforts on both public and private lands to address threats and help in recovery of the mouse.

Records show that the Preble's meadow jumping mouse range once included Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Elbert, Jefferson, Larimer and Weld counties in Colorado and Albany, Laramie, Platte, Goshen and Converse counties in Wyoming. They are believed to occur today in only Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, and Weld counties in Colorado and Albany and Laramie counties in Wyoming.

Recent trapping efforts have found mouse populations in some areas (Douglas, El Paso and Elbert counties in Colorado) where few or no historical records exist. More than 120 surveys conducted at potential development sites along Colorado's front range with habitat for Preble's mouse were conducted in 1997. Of those, the mouse was found in only 17 sites. But when researchers targeted only sites with ideal habitat, the mouse was found in 7 of the 10 sites. Recent trappings indicate that while the overall population is at a better level than previously believed, the range of the mouse has decreased, especially adjacent to or east of the Interstate 25 urban corridor.

Requests for information should be made to the U.S. Fish and Wildlife Service, 755 Parfet Street, Suite 361, Lakewood, CO 80215 (303-275-2370). Public comment may also be sent to the same address.

Certificate of Service

I hereby certify that I have served by U.S. mail, postage prepaid, the foregoing Additional Comments of Canyon Area Residents for the Environment, on the following:

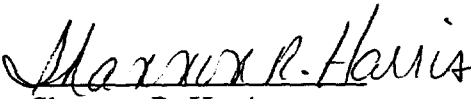
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and Twenver Broadcast, Inc.*

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Stations Partners


Shannon R. Harris
March 9, 1999